

**REMARKS**

Claims 1-8 and 17-19 are pending.

Claims 9-16 and 20-23 withdrawn.

Applicant requests reconsideration and allowance of the claims in light of the following remarks.

***Claim Rejections 35 – USC § 102***

Claims 1-4 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by the prior art in figure 1 of the application.

Applicant respectfully traverses the rejection.

Claim 1 recites “*an epitaxial layer formed on said second region of the semiconductor substrate so as to have a predetermined thickness*”. Support for this limitation can be found in, for example, Fig. 13, which shows an epitaxial layer 420 (page 5, line 27). Also, Fig. 8 shows, for an embodiment of the invention, a step when the epitaxial layer 420 is formed on the substrate 400 (page 7, lines 14-15). In other words, in one embodiment of the present invention, there is an epitaxial layer 420 on a substrate 400.

However, Fig. 1 and Fig. 2 of the present application do not include such an epitaxial layer recited in the claimed invention. The substrate 100 merely discloses the *doped* (by ion implantation) substrate regions 160 and 150, not an epitaxial layer (by epitaxial grown). Compare lines 28-30, page 1 and lines 14-18, page 7 of the present application.

For this reason, the prior art does not teach or disclose all of the elements of the present invention and, therefore, the rejection does not present a prima face case of anticipation. Accordingly, the Applicant respectfully requests the allowance of claim 1.

Claims 2-8, which depend from claim 1 and inherently include all of the limitations of the base claim, are allowable for their dependency and their own merits.

Claim 17 recites “*an epitaxial layer formed on said second region of the semiconductor substrate so as to have a predetermined thickness, the sum of the thickness of said epitaxial layer and the thickness of said second region being greater than the thickness of said first region*”. Support for the above limitation can be found in, for example, Figure 13 of the present application, which shows an embodiment of the invention having a combined thickness of the epitaxial layer and the second region of the substrate greater than the thickness of the first region of the substrate. In Fig. 13, the upper surface of the source/drain region 428 is higher (due to thickness) than the upper surface of a central region, under the gate conductive layer 404 (the first region) of the substrate.

However, the prior art (Fig. 1 and Fig. 2) does not include such an epitaxial layer, as explained above for the case of claim 1. Therefore, "*the sum of the thickness of said epitaxial layer*" has no meaning in terms of Fig. 1 and Fig. 2, and any elements or limitations of claim 17 relating to an epitaxial layer are not anticipated by Fig 1 and Fig. 2. Therefore, the Applicant respectfully submits that claim 17 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 18-19 depend from claim 17 and inherently include all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claim. Allowance of these claims is requested.

***Claim Rejections 35 – USC § 103***

Claims 5, 6, 8, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the same prior art.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the same prior art in view of U.S. Patent No. 5,648,278 Tsai et al., ("Tsai, et al").

The applicant traverses these rejections.

In light of the arguments above for the allowability of claims 1 and 17, the prior art does not teach the limitations of the base claims much less the further embodiments of the dependent claims 5, 6, 7, 8, 18, and 19. Accordingly, the Applicant respectfully requests the allowance of these claims.

For the foregoing reasons, reconsideration and allowance of claims 1-8 and 17-19 of the application is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,  
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Limited Recognition Under 37 CFR § 10.9(b)

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